

## REMARKS

Applicant has canceled claims 42 and 44. Applicant adds new claim 45 and amends claims 1, 32-34, 36, 37, 40 and 41. The amendments and new claim are supported by the specification and drawings.

### Objection to the Specification

The Examiner objected to the specification in relationship to claim 44. Claim 44 has been canceled, therefore rendering this objection moot.

### 35 U.S.C. §102(e) Rejections

The Examiner rejected claims 1-20, 32-37, and 40-42 under 35 U.S.C. §102(e) as being anticipated by Denenberg, U.S. Patent no. 6, 859,649. Applicant respectfully disagrees. It is noted that the independent claims have been amended, and these amendments further distinguish over the cited reference.

In the outstanding Office Action, the Examiner has elaborated as to how Denenberg is allegedly relevant to the instant claims. Specifically, the elaboration involves the aspect of “changing the subscription information” and refers to the paragraph bridging columns 7 and 8 in Denenberg. This paragraph states the following:

Initially, the services administrative center receives a service registration call, step 501. This service registration call can occur at initial activation of the wireless device or, alternatively the call could be received at a time subsequent to activation when the user decides to take advantage of a new service offering or to change service subscriptions. Having received the registration call, the administrative center obtains the ESN of the mobile device, step 505. This information could be conveyed automatically by the mobile device. Alternatively, this information could be conveyed over a voice communication from the operator of the mobile device to the administrative center. The representative can then retrieve device capabilities from the ESN database, step 509. This ESN database may have been populated, in part, with reference to information received from a national distribution center or from

the equipment manufacturers themselves. The national distribution center would keep track of all ESNs either sold or leased or awaiting sale or lease by the wireless service provider. Once the device capabilities have been retrieved the fields of the registration form can be populated with retrieved information, step 513. The subscriber can then identify the service or services desired and that information would be received by the administrative center, step 517. Having received the device capabilities, the representative can determine whether the capabilities are consistent with the requested service, step 521. If the device is capable of handling the requested service as determined in the decision step, 525 then the representative can obtain a location identifier of the subscriber at step 533. If, however, the device is not capable of handling the requested service then the registration attempt may be terminated. A few alternative arrangements are worth noting. First, the representative can make the determination based on an examination of device capabilities as set forth in the populated registration form. Alternatively, the system itself may automatically make a determination whereby any attempt by the representative to register the subscriber for a given service will be denied if the ESN indicates that the equipment is incompatible with the service. That is, the system could prevent any override by the representative and could automatically block registration for the desired service. As a further aside, rather than terminating the registration attempt completely as in step 529, it is possible to terminate that given registration attempt and prompt the representative and/or subscriber to make another attempt at registration, this time to a service consistent with the equipment capabilities.

Denenberg, col. 7, line 46 to col. 8, line 24. This paragraph appears to disclose that the service registration call can be received when the user decides to change service subscriptions.

However, it is respectfully submitted that the comments of the Examiner do not solve the following exemplary differences with claim 1 and Denenberg: According to claim 1 (for instance), there is a network element currently serving the terminal device; When the subscription information change in Denenberg happens, according to the teachings of Denenberg, there does not seem to be any network element currently serving the user at the moment when the service registration call is performed.

Thus, Denenberg is clearly missing the checking step in independent claim 1. And since there is no such checking in Denenberg, also there is no new registration process as a result of the checking.

Applicant respectfully notes that, according to Denenberg, the activation of the phone and the service registration appear to be two different processes. Thus, when the terminal is activated in Denenberg, no service request has necessarily been sent and thus no serving network element for the terminal appears to exist even if the terminal might have been activated. In col. 7, lines 47-49 of Denenberg, it is said that the service registration call (that is, when user decides to change subscription information) can occur any time after activation, but this section is silent that this could be done any time after already ongoing service (i.e., an already sent and accepted service registration request).

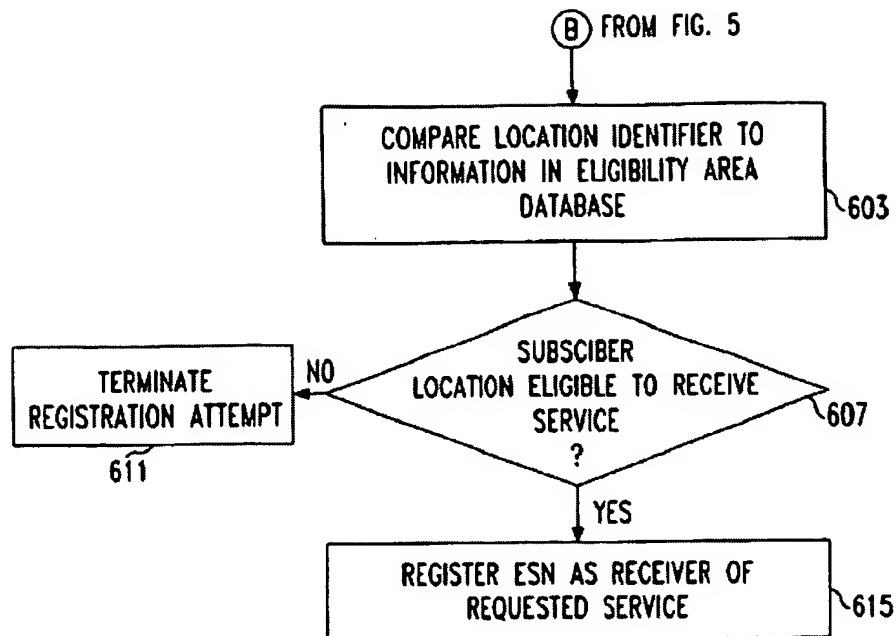
See the following from Denenberg:

At the time of **registration for a service**, the mobile subscriber can provide information to the administrative center including an identification of the mobile communication device itself. **This can be done at the time of activation** in which case the subscriber would need to use a device other than the mobile device in question to contact the center. Alternatively, **if the device has previously been activated then it can be used in the registration process**.

Denenberg, col. 5, line 63 to col. 6, line 3 (emphasis added).

Thus, for at least these reasons, claim 1 is patentable over Denenberg.

Furthermore, what Denenberg appears to disclose is that if a “home” location of a subscriber supports a service, the ESN of the subscriber is registered as a receiver of the requested service. On the other hand, if the “home” location of a subscriber does not support a service, the subscriber is **never registered to a “new” entity that supports the service**. See FIG. 6 of Denenberg:



See also this section from col. 8 of Denenberg:

25 Continuing at point B on FIG. 6, once the location  
identifier information is received, it is compared to infor-  
mation in the eligibility area database, step 603. A decision  
step then determines whether the subscriber location is  
eligible to receive the service, step 607. If it is not eligible  
30 then the registration attempt may be terminated, step 611.  
Alternatively, if the location is eligible then the system may  
register the ESN as a receiver of the requested service, step  
615.

Just as described above, the terminating operation may  
35 only terminate as to this particular service request and may  
in fact either prompt the user to request an alternative service  
or may await additional information from the user as to  
whether any alternative services are of interest. Additionally,  
40 the termination may occur either by information provided to  
the representative or may occur automatically. That is,  
access to the eligibility area database may produce a mes-  
sage to the representative indicating that the potential sub-  
scriber is not eligible for the service given the "home"  
45 location of the subscriber. The representative could then  
propose an alternative to the initially requested service  
thereby terminating the attempt to register for the first  
service. Alternatively, the system could automatically ter-  
minate the registration attempt such that the representative  
50 could not override the system's limitations so that if the  
representative attempts to register the subscriber for the  
requested service that attempt will be thwarted.

In other words, if the “home” location does not support the requested service, either the registration is terminated or a different service to which the “home” location supports is proposed. Therefore, if the “home” location of a subscriber does not support a service, the subscriber is **never registered to a “new” entity that supports the service.**

Thus, Denenberg does not disclose at least the subject matter of (in a form prior to the present amendments) “initiating in response to the result of said checking a registration procedure for registering said terminal device of said subscriber to a new serving network element”, where the initiating is relative to a network element already serving the terminal device, in claim 1. Claim 1 is therefore patentable over Denenberg.

Independent claim 32 is also patentable over Denenberg, as this claim recites (in a form prior to the present amendments) “[initiating] a registration procedure for registering a terminal device of a subscriber to a **new** serving network element in response to a result of a checking operation configured to check whether a capability of a **network element serving a terminal device** of said subscriber is still in accordance with said changed subscription information”. Independent claim 37 is patentable over Denenberg, as this claim recites (in a form prior to the present amendments) “in response to said de-register message, [initiating] automatically a new initial registration procedure for registering said apparatus to **a new serving network element** providing session control services for said apparatus if a result of a checking operation for checking the capability of **a current serving network element** indicates that the capability is not in accordance with a change in subscription information of ~~said a~~ subscriber.” Claim 40 is also patentable over Denenberg, as this claim recites (in its currently amended form) “in response to a result of the checking indicating the capability of the current serving network element serving the terminal device of the subscriber is not still in accordance with the change in subscription information, performing a registration procedure for registering said apparatus **to a new serving network element** that is in accordance with the change in subscription information”.

Thus, independent claims 1, 32, 37, and 40 are patentable over Denenberg. Because these claims are patentable, their dependent claims 2-20, 33-36, 38, 39, 41, and 43 are patentable for at least the above reasons.

Applicant respectfully requests the §102 rejections be removed.

#### 35 U.S.C. §103(a) Rejections

The Examiner rejected claims 38, 39, and 43 under 35 U.S.C. §103(a) as being unpatentable over Denenberg in view of additional references. Because independent claims 37 and 40 are patentable, dependent claims 38, 39, and 43 are patentable for at least the reasons given above.

Applicant respectfully requests the §103 rejections be removed.

#### Conclusion

Based on the foregoing arguments, it should be apparent that all remaining claims are thus allowable over the reference(s) cited by the Examiner, and the Examiner is respectfully requested to reconsider and remove the rejections. The Examiner is invited to call the undersigned attorney for any issues.

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Respectfully submitted:

A handwritten signature in black ink, appearing to be "R. Mauri".

Robert J. Mauri  
Reg. No.: 41,180

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Date

Customer No.: 29683

HARRINGTON & SMITH, Attorneys at Law, LLC

4 Research Drive  
Shelton, CT 06484-6212

Telephone: (203)925-9400  
Facsimile: (203)944-0245  
email: rmauri@hspatent.com

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